UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,045	12/20/2001	Toshiyuki Odaka	HAL 177	3000

39170 7590 11/30/2005

HITACHI AMERICA, LTD.
50 PROSPECT AVENUE
LEGAL DEPT.
TARRYTOWN, NY 10591

EXAMINER	
NAHAR, QAMRUN	
ART UNIT	**PAPER NUMBER**
2191	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/028,045	ODAKA ET AL.	
	Examiner	Art Unit	
	Qamrun Nahar	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 January 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed on 9/7/05.

2. The objection to the oath/declaration is withdrawn in view of applicant's remarks/arguments.

3. The objection to the drawings is withdrawn in view of applicant's submission of replacement sheet on 1/24/05.

4. The objections to the disclosure are withdrawn in view of applicant's amendment.

5. The objections to claims 9 and 11 are withdrawn in view of applicant's amendment.

6. The rejection under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention to claims 2-6, 17-19, and 22-27 is withdrawn in view of applicant's amendment.

7. Claims 1-2, 9-12, 17-20, 22 and 24-26 have been amended.

8. Claims 1-27 are pending.

9. Claims 1-27 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over House (U.S. 6,785,805) in view of Sanders (U.S. 5,734,831), and further in view of Allgeier (U.S. 5,987,497).

Drawings

10. The drawings were received on 1/24/05. These drawings are acceptable.

Response to Amendment

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over House (U.S. 6,785,805) in view of Sanders (U.S. 5,734,831), and further in view of Allgeier (U.S. 5,987,497).

Per Claim 1 (Amended):

House teaches a method performed by a machine interfacing with a system integrator, for integrating a plurality of completed executable programs as components to build an integrated program ("Disclosed herein are network-based configuration methods for systems integration over a network such as the Internet" in column 2, lines 48-51), comprising the steps of: providing to the system integrator the choices of components and their parameter choices; receiving choices of components and their parameters from the system integrator ("In one embodiment, the present invention is a method for providing integrated systems for test, measurement and automation (TMA) environments, including providing a plurality of selectable configuration options to a user through a network where the selectable configuration options representing features for a TMA system, receiving information representing configuration options selected by a user ... " in column 2, lines 51-58; column 9, lines 30-36); and thereafter, building the integrated program from the completed executable programs in dependence upon the received

choices ("assembling a plurality of TMA components to produce a TMA system that satisfies the user-selected configuration options, providing systems integration for the TMA system to produce an integrated TMA system, and fulfilling an order for the user-configured TMA system with the integrated TMA system." in column 2, lines 58-63).

House does not explicitly teach integrated middleware program, middleware components or invoking script for selecting and generating plural choices of middleware components and choices of their parameters to be used for integration of the plurality of completed executable programs. Sanders teaches invoking script for selecting and generating plural choices of components and choices of their parameters to be used for integration of the plurality of completed executable programs (column 10, lines 1-12). Allgeier teaches integrated middleware program and middleware components (column 6, lines 16-25).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by House to include integrated middleware program, middleware components, and invoking script for selecting and generating plural choices of middleware components and choices of their parameters to be used for integration of the plurality of completed executable programs using the teaching of Sanders and Allgeier. The modification would be obvious because one of ordinary skill in the art would be motivated to automate the configuration of software components.

Per Claim 2 (Amended):

The rejection of claim 1 is incorporated, and House further teaches providing to the system integrator configuration information based upon the choices; requesting confirmation of

the provided configuration information from the system integrator; and performing said step of building in response to receiving system integrator confirmation (column 3, lines 3-26).

Per Claim 3:

The rejection of claim 2 is incorporated, and House further teaches each of said steps of providing include displaying the respective choices to the system integrator (column 9, lines 30-36).

Per Claim 4:

The rejection of claim 3 is incorporated, and House further teaches each of said steps of providing, requesting and receiving include interfacing with the system integrator through a web browser with a markup language (column 10, lines 41-44).

Per Claim 5:

The rejection of claim 3 is incorporated, and House further teaches each of said steps of selecting include two way communication via a web browser over a network with storages in a distributed environment (column 10, lines 41-44).

Per Claim 6:

The rejection of claim 5 is incorporated, and House further teaches each of said steps of selecting includes generating corresponding ones of the choices in a markup language from

configuration files obtained from the storages in the distributed environment (column 9, lines 30-36).

Per Claim 7:

The rejection of claim 1 is incorporated, and House further teaches said step of selecting includes two way communication via a web browser over a network with storages in a distributed environment (column 10, lines 41-44).

Per Claim 8:

The rejection of claim 7 is incorporated, and House further teaches said step of generating includes generating corresponding ones of the choices in a markup language from configuration files obtained from the storages in the distributed environment (column 9, lines 30-36).

Per Claim 9 (Amended):

The rejection of claim 7 is incorporated, and House further teaches selecting plural choices of the types of integration to be performed by the integrated program; providing to the system integrator the plural choices of types of integration to be performed; receiving choices from the system integrator from among the choices of types of integration to be performed; and downloading the completed executable programs in dependence upon received choices of types of integration (column 2, lines 51-58 and column 9, lines 30-36); and Allgeier further teaches integrated middleware program (column 6, lines 16-25).

Per Claim 10 (Amended):

The rejection of claim 1 is incorporated, and House further teaches providing to the system integrator an indication of choices made by the system integrator and choices not made by the system integrator and requesting confirmation; and thereafter, in response to receiving system integrator confirmation, performing said step of building the integrated program (column 3, lines 3-26); and Allgeier further teaches integrated middleware program (column 6, lines 16-25).

Per Claim 11 (Amended):

The rejection of claim 1 is incorporated, and Sanders further teaches each of said steps of selecting include retrieving from storage script that reads configuration files and invoking the script to perform said generating; and said step of building includes retrieving from storage and invoking script and build tools (column 10, lines 1-12).

Per Claim 12 (Amended):

The rejection of claim 1 is incorporated, and House further teaches said step of providing to the system integrator plural choices, presents choices of microprocessor cores to which the plurality of completed executable programs are to be mapped, compiler choices, assembly choices, real-time operating system choices, speed choices, and choices of parameters for components of the integrated program including configuration information of performance,

power consumption and code size (column 12, lines 59-67 to column 13, lines 1-4); and Allgeier further teaches middleware components (column 6, lines 16-25).

Per Claim 13:

The rejection of claim 1 is incorporated, and Sanders further teaches said step of selecting includes retrieving from storage script that reads configuration files and executing at least some of the script for retrieving from storage markup language code that describes configuration files for use by said step of providing (column 10, lines 1-12).

Per Claim 14:

The rejection of claim 13 is incorporated, and Sanders further teaches said step of selecting includes storing the configuration files in a distributed environment (column 10, lines 1-12).

Per Claim 15:

The rejection of claim 1 is incorporated, and House further teaches said step of providing to the system integrator plural choices and said step of receiving are each conducted for choices of media type, processor identification, optimization level, and endianness (column 12, lines 59-67 to column 13, lines 1-4; see column 13, lines 54-67 for processor identification and endianness; and see column 13, line 67 to column 14, line 4 for optimization level).

Per Claim 16:

The rejection of claim 1 is incorporated, and House further teaches a configuration tool for use in a computer system and for interfacing with a system integrator in integrating programs, said configuration tool comprising: storage media having physical implementation of code for performing the method of claim 1 (column 24, lines 53-64).

Per Claim 17 (Amended):

The rejection of claim 3 is incorporated, and House further teaches a configuration tool for use in a computer system and for interfacing with a system integrator in integrating programs, said configuration tool comprising: storage media having physical implementation of code for performing the method of claim 3 (column 24, lines 53-64); and Allgeier further teaches integrating middleware programs (column 6, lines 16-25).

Per Claim 18 (Amended):

The rejection of claim 5 is incorporated, and House further teaches a configuration tool for use in a computer system and for interfacing with a system integrator in building an integrated program, said configuration tool comprising: storage media having physical implementation of code for performing the method of claim 5 (column 24, lines 53-64); and Allgeier further teaches integrated middleware program (column 6, lines 16-25).

Per Claim 19 (Amended):

The rejection of claim 6 is incorporated, and House further teaches a configuration tool for use in a computer system and for interfacing with a system integrator in integrating programs,

said configuration tool comprising: storage media having physical implementation of code for performing the method of claim 6 (column 24, lines 53-64); and Allgeier further teaches integrating middleware programs (column 6, lines 16-25).

Per Claim 20 (Amended):

The rejection of claim 16 is incorporated, and House further teaches a configuration system comprising the configuration tool of claim 16, for operation in a distributed environment (column 8, lines 30-44); at least one computer coupled to said configuration tool; a web browser coupled to said computer and said configuration tool for interfacing with the system integrator and with said storage media for the steps of selecting and receiving; a display coupled to said web browser for interfacing with the system integrator for the step of providing (column 2, lines 51-58 and column 9, lines 30-36); said storage media being in a distributed environment and having physical implementation of configuration files of component specifications in machine-readable form, and containing machine-readable component files for said plurality of completed executable programs; said storage media further having physical implementation of machine-readable display page formats for interfacing with the system integrator during the steps of providing and receiving; and software build tools coupled to said configuration tool (column 9, lines 14-36); and Allgeier further teaches middleware component (column 6, lines 16-25).

Per Claim 21:

The rejection of claim 20 is incorporated, and House further teaches said configuration files are of media type, processor cores to which executable programs are to be mapped,

compiler and assembly options, real-time operating systems, speed optimization levels, and parameters of the plurality of completed executable programs; and said storage media stores physical implementations of said page formats in a markup language for choices of media type, processor cores, speed optimization levels, and parameters of the plurality of completed executable programs (column 12, lines 59-67 to column 13, lines 1-4).

Per Claims 22 (Amended) & 23:

These are configuration tool versions of the claimed method discussed above, claim 20, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Per Claim 24 (Amended):

This is a configuration tool version of the claimed method discussed above, claim 21, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claim 25 (Amended):

The rejection of claim 24 is incorporated, and Sanders further teaches storage media having physical implementation of script physically implementing a method of reading configuration files in response to input of choices from the system integrator (column 10, lines 1-12); and Allgeier further teaches middleware configuration files (column 6, lines 16-25).

Per Claim 26 (Amended):

The rejection of claim 23 is incorporated, and Sanders further teaches storage media having physical implementation of script physically implementing a method of reading configuration files in response to input of choices from the system integrator (column 10, lines 1-12); and Allgeier further teaches middleware configuration files (column 6, lines 16-25).

Per Claim 27:

The rejection of claim 22 is incorporated, and House further teaches wherein said means for controlling downloading communicates with the storage in a distributed environment (column 10, lines 41-64).

Response to Arguments

13. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

In the remarks, the applicant argues that:

a) With particular respect to claim 15, the Examiner relies ...

It is respectfully argued that the elements: processor identification, optimization level, and endianness as recited in claim 15 (and described in the present application) are not disclosed in the paragraph in House relied on by the Examiner.

With specific regard to optimization, as stated at page 25 in the present application: ...

Such an Optimization process is simply not described, taught or suggested in column 12, line 59 to column 13, line 4 of House. Accordingly, claim 15 is patentably distinguishable from House and therefore is believed to be allowable over House.

Examiner's response:

a) The combination of House, Sanders, and Allgeier clearly shows each and every limitation in claim 15. House teaches said step of providing to the system integrator plural choices and said step of receiving are each conducted for choices of media type, processor identification, optimization level, and endianness (column 12, lines 59-67 to column 13, lines 1-4; see column 13, lines 54-67 for processor identification and endianness; and see column 13, line 67 to column 14, line 4 for optimization level). In addition, see the rejection above in paragraph 12 for rejection to claim 15.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y Zhen, can be reached on (571) 272-3708. The fax phone number for the organization where this application or processing is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qamrun Nahar

QN
November 14, 2005

WEI Y. ZHEN
PRIMARY EXAMINER